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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Padigaru *et al.*

SERIAL NUMBER: 10/023,597

EXAMINER: Jon M. Lockard

FILING DATE: December 18, 2001 **ART UNIT:** 1647

FOR: Novel Proteins and Nucleic Acids Encoding the Same

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

In response to the August 18, 2004 Restriction Requirement in the above-identified application, Applicants elect Group II, Claims 5-14, 39 and 42 drawn to nucleic acids, vectors, and host. In response to the Examiner's request for further restriction within inventions, Applicants elect the nucleic acid of SEQ ID NO. 23, and the resulting polypeptide, SEQ ID NO. 24.

This amendment is due on or before September 18, 2004. Since September 18, 2004 is a Saturday, and this amendment is being submitted on September 20, 2004, Applicants believe that no payment is necessary. Should any fee be due, the Commissioner is hereby authorized to charge the fee or credit any overpayment, to Deposit Account No. 502648.

Express Mail Label: ED 014845798 US
Date of Deposit: September 20, 2004

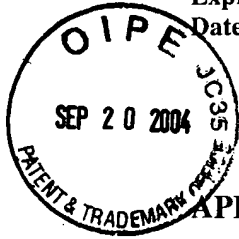
Cura 524 AD

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'George Yahwak', written over the printed name and address.

George Yahwak, Reg. No. 26,824
CuraGen Corporation
555 Long Wharf Drive
New Haven, CT 06511
Tel: (203) 974-6303

Date: September 20, 2004



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TRANSMITTAL LETTER

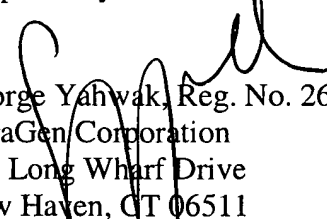
Transmitted herewith for filing in the above-identified application:

1. Response to Restriction Requirement (2 pgs)
2. Return Postcard

The Commissioner is hereby authorized to charge payment of any filing fees required in connection with the papers transmitted herewith, or credit any overpayment of the same to Deposit Account No. 502648.

A duplicate copy of this transmittal letter is transmitted herewith.

Respectfully submitted,


George Yahwak, Reg. No. 26,824
CuraGen Corporation
555 Long Wharf Drive
New Haven, CT 06511
Tel: (203) 974-6303

Date: September 20, 2004